

**REMARKS**

Claims 1-4 and 18-43 are pending in the application. By this Reply to Office Action, claims 1-4 are amended, claims 5-17 are canceled without prejudice or disclaimer, and new claims 18-43 are added. No new matter is added. Prompt consideration of this Reply and allowance of the application are earnestly requested.

In the Office Action, the Examiner objected to claims 9-14 as allegedly being improper multiple dependent claims. As mentioned above, claims 9-14 have been canceled. Therefore, Applicants request that the objection to the claims be withdrawn.

**§ 102(b) Rejection**

Claims 1-8, 15, and 16 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,616,248 to Schal (hereinafter "Schal"). Applicants respectfully traverse this rejection.

Independent claim 1 recites a unique combination of steps for preparing a medical liquid including "injecting ... a first concentrated solution containing a first ionic substance A and a second ionic substance B, the second ionic substance being potassium" and "injecting a second concentrated solution ... the concentration of the second ionic substance B in the second concentrated solution being equal to zero."

Schal does not disclose or suggest injecting first and second concentrated solutions, wherein the first solution contains potassium and the second solution does not. Instead, Schal merely discloses two infusion bags 14b1, 14b2 or 14c1, 14c2 each containing a different concentrate, and each concentrate containing a different concentration of potassium. However, Schal does not disclose that either concentrate contains no potassium. Accordingly, for at least this reason, claim 1 is allowable over Schal.

Claims 2-4 depend from independent claim 1 and, therefore, include each of its features. Thus, claims 2-4 are allowable for at least the same reason discussed above in connection with claim 1. Further, since claims 5-8, 15, and 16 are canceled, the § 102 rejection of these claims is moot. Accordingly, Applicants submit that the § 102 rejection based on Schal should be withdrawn.

### **§ 103(a) Rejection**

Claim 17 was rejected under 35 U.S.C. § 103(a) over WO 95/08299 in view of Schal. As mentioned above, claim 17 is canceled, thereby rendering the § 103 rejection moot. Accordingly, Applicants submit that the § 103 rejection should be withdrawn.

### **New Claims**

Independent claim 42 recites a unique kit of solutions for extracorporeal blood treatment including a first concentrated solution containing a first ionic substance A and potassium, and a second concentrated solution containing the first ionic substance, but no potassium. As discussed previously, Schal does not disclose or suggest a first concentrated solution containing potassium and a second concentrated with no potassium. Thus, claim 42 patentably distinguishes over Schal for at least this reason.

Independent claim 20 recites yet another unique combination of steps for preparing a medical liquid, including "injecting ... a first concentrated solution ... [and] a second concentrated solution, the two said concentrated solutions being identical to each other except that the concentration of the second ionic substance B differs from one solution to the other." Schal does not disclose or suggest injecting two concentrated solutions that are identical to one another except for one ionic substance. To the contrary, Schal discloses two concentrates each containing multiple ionic

substances, wherein the concentration of nearly all of the ionic substances are different from one solution to another. See, e.g., Schal, col. 15, lines 55-61. Therefore, for at least this reason, claim 20 is allowable over Schal.

Similarly, independent claim 41 recites a unique kit of solutions for extracorporeal blood treatment including the unique combination of “two concentrated solutions each containing a plurality of ionic substances, the ionic substances and their concentrations being identical to each other in the two solutions except that the concentration of the second ionic substance B differs from one solution to the other.” As discussed previously, Schal does not disclose or suggest injecting two concentrated solution that are identical to one another except for one ionic substance. Thus, claim 41 patentably distinguishes over Schal for at least this reason.

Further, independent claim 26 recites a unique combination of steps for extracorporeal blood treatment including “measuring the concentration of the second ionic substance B in [a] spent liquid.” Schal does not teach or suggest measuring the concentration of any ionic substance in a spent liquid. Rather, Schal merely discloses an analyzing device 7 or a sensor 112 for measuring conductivity of a pretreatment liquid. Thus, claim 26 is allowable over Schal for at least this first reason.

In addition, claim 26 includes “[regulating] injection flowrates Q1 and Q2 ... on the basis of the concentrations of the second ionic substance B measured ... in the spent liquid.” As discussed above, Schal does not teach or suggest measuring the concentration of an ionic substance in the spent liquid. Therefore, by definition, Schal cannot teach or suggest regulating injection flow rates on the basis of the concentration

of the second ionic substance measured in the spent liquid. Accordingly, claim 26 patentably distinguishes over Schal for at least this additional reason.

Additionally, independent claim 33 recites a unique system for extracorporeal blood treatment including a “device for measuring the concentration of [a] second ionic substance B in [a] spent liquid.” For reasons similar to those discussed previously in connection with claim 26, Schal does not disclose or suggest a device for measuring the concentration of an ionic substance in the spent liquid. Thus, claim 33 patentably distinguishes over Schal for at least this reason.

Furthermore, claim 33 includes “means ... for regulating at least one of ... first and second injection means on the basis of the information supplied by the ... second [device] for measuring the concentration of the second ionic substance B.” As discussed previously, Schal does not disclose or suggest a device for measuring the concentration of an ionic substance in the spent liquid and, therefore, cannot teach or suggest means for regulating an injection means on the basis of information supplied by such a device. Accordingly, claim 33 is allowable over Schal for at least this additional reason.

Claims 2-4, 18, 19, 21-25, 27-32, 34-40, and 43 depend from one of independent claims 1, 20, 26, 33, 41, and 42, and are at least allowable for the reasons that respective claim 1, 20, 26, 33, 41, or 42 is allowable. In addition, each of the dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and therefore each are separately patentable.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

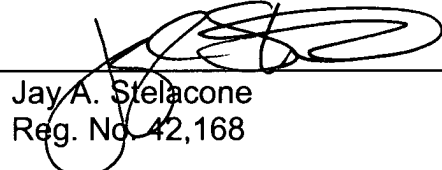
The Examiner is invited to telephone the undersigned at (202) 408-4252 if the Examiner deems that a telephone conversation would further the prosecution of the application.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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